IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3211 OF 2005

Anthony Jokim Baretto ...Applicant

Vs.

The State of Maharashtra & Anr...Respondent

Mr.Sayaji D.Nangre Advocate for Applicant
Mrs.M.M.Deshmukh A.P.P. for the State
Mr.R.M.Pawar for Respondent No.2.

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE :NOVEMBER 7,2006
IN CHAMBER AT 2.35 P.M.

P.C.

1. Heard the learned advocate for the applicant-original accused, learned advocate for respondent no.2-original complainant and learned A.P.P. for the State. The complainant is present in person.

2. The applicant has preferred this application for quashing C.R.No.450 of 1998 of L.T.Marg Police Station, Mumbai. The case arising out of the said C.R. is pending before the learned Chief

Metropolitan Magistrate, Esplanade Court, Mumbai and it is numbered as C.C.No. 91/P/2003. The said case is under Sections 408, 420, 465, 467, 469 and 471 of IPC.

3. The complainant who is present in Court, has tendered his affidavit affirmed on 7th November, 2006 wherein it is stated that there is no objection if the proceedings arising out of C.R.No.450 of 1998, are quashed and set aside.

4. Looking to the fact that complainant does not wish to proceed with the said complaint and keeping in view the observations of the Supreme Court in **B.S.Joshi and another Vs. State of Haryana and another reported in Judgment Today 2003(3) S.C. 277**, C.R.No.450 of 1998 and the proceedings relating thereto, are quashed.

5. The learned counsel for the complainant prays that the original registers belonging to the complainant School i.e. St.Sebastian Goan High School, Mumbai, which have been seized by the investigating agency of the above C.R., be returned

to the complainant. In view of the fact that the C.R. has been quashed, the said registers be returned to the complainant by the investigating agency. The learned A.P.P. Mrs.Deshmukh, undertakes to inform the investigating agency that the said registers are to be returned to the complainant within a period of one week.

6. Application is disposed of.

[SMT.V.K.TAHILRAMANI,J.]